

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

In re Innovatio IP Ventures, LLC, Patent Litigation	Case No. 1:11-cv-09308
This Document Relates To:	Judge James F. Holderman Magistrate Judge Sidney Schenkier
All Cases	

**JOINT MOTION TO SEAL PORTIONS OF TRIAL TRANSCRIPT AND CERTAIN
TRIAL EXHIBITS**

Pursuant to Local Rule 26.2, Innovatio IP Ventures, LLC (“Innovatio”) and Defendants/Declaratory Judgment Plaintiffs in the above captioned-matter, including all represented by the undersigned (collectively “Defendants”) hereby move the Court for entry of the Proposed Order (included as Exhibit A) sealing certain portions of the trial transcript and certain trial exhibits utilized during the recent hearing concerning RAND. The parties likewise set forth a proposal below concerning disposition of hard copy exhibits.

A. Request to Seal Certain Portions of the Trial Transcript

Counsel for Innovatio and the Defendants have reviewed the trial transcript and have identified certain material which they believe should be redacted and placed under seal as Highly Confidential. Attached as Exhibit B is a version of the trial transcript with yellow highlighting indicating those portions of the transcript that the parties propose to redact and place under seal. Exhibit C is a version of the trial transcript with the proposed redactions blacked out. The attached proposed order directs the court reporter to maintain the sealed portions of the transcript (i.e., those shown in yellow on Exhibit B) as Highly Confidential and to not distribute or

otherwise make public such materials. The proposed order further directs the court reporter to distribute only Exhibit C (or portions thereof) in response to requests for the transcript from any individual or party not admitted under the protective order entered at Dkt. No. 437. The parties respectfully request that the Court enter the order as proposed.

B. Request to Seal Certain Trial Exhibits

At the outset of the trial, the parties provided to the Court binders containing exhibits that could potentially be admitted into evidence. Attached as Exhibit D is a listing of those exhibits that Innovatio maintains have been admitted during the trial (in some cases subject to certain objections). Exhibit E is a listing of those exhibits that Defendants maintain have been admitted during the trial (also subject to certain objections in some cases). The parties propose to seal the following exhibits:

PTX 39-81, PTX 301, PTX 308, PTX 309, PTX 322, PTX 323, PTX 332, PTX 333, PTX 339-341, PTX 517-519, PTX 709-758, PTX 881, PTX 889, PTX 891, PTX 894, PTX 895, PTX 899, PTX 919, PTX 925 A-N, PTX 1014-1023, Slide 29 of PTX 1024 (Nettleton), Slides 3-25 of PTX 1025 (Bero), Slides 18, 32 of PTX 1026 (Teece), Slide 32 of PTX 1027 (Bergey), Slides 8-14, 16, 19, 27, 32-34, 37, 40, 42-44 of PTX 1028 (Evans), PTX-1031, PTX-1034, Slides 30, 34, 35 of PTX-1037 (Plaintiff's Opening), Slides 17, 26-36, 48-49, 54, 58 of PTX-1038 (Plaintiff's Closing)

DTX-255A, DTX-255, DTX 1072, DTX 1085, 1059, DTX 1645, DTX 2009, DTX 2011, DTX 2013, DTX 2066, DTX 2068, DTX-Evans Chart L, Slide 70 of DDX-3 (Shoemake), Slides 21, 22, 38, 39, 57 of DDX-4 (Wicker), Slides 28, 31, 68, 69, 85-87 of DDX-5 (Leonard), Slides 88, 91 of DDX-6 (Defendants' Opening), Slides 16, 17, 42, 43, 52, 76 of DDX-7 (Defendants' Closing), Slides 19, 21, 25, 26 and 30 of DDX-9 (Lynde), , Slide 3 of DDX-15.

The parties respectfully request that the Court enter the attached proposed order, which seals those exhibits. Additionally, the parties understand that the Court will maintain hard copies of those non-admitted exhibits (*i.e.*, those not on Exhibits D or E) until a decision is issued. The parties further propose that when a decision is issued concerning the RAND hearing, the parties will retrieve all hard copy materials from the Court within 5 business days of the decision, as reflected in the Proposed Order.

Dated: **September 26, 2013**

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**Attorneys for Plaintiff,
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CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2013 a true and correct copy of the foregoing **JOINT MOTION TO SEAL PORTIONS OF TRIAL TRANSCRIPT AND CERTAIN TRIAL EXHIBITS** was electronically filed with the Court via the CM/ECF system which sent notification of such filing to all Counsel of Record.

Dated: **September 26, 2013**

/s/ Gianni Cutri

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